

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

JOSE A. GAMEROS GARCIA (1),  
ARMANDO SANTANA-DIAZ (2),  
VICTOR MANUEL NAVARRO LOPEZ (3),  
Defendants.

NO. CR-12-6045-WFN

ORDER

A pretrial conference and motion hearing was held December 11, 2012. The Defendants, who are in custody, were present and assisted by Court-appointed interpreter Bea Rump. Mr. Garcia was represented by Syovata Edari; Mr. Santana-Diaz was represented by Stephen Hormel and Mr. Navarro Lopez was represented by Jeffrey Niesen ; Assistant United States Attorney Lawrence Haskell represented the Government. The Court addressed Defendants' Motion to Continue Oral Argument (ECF No. 154) as well as heard oral argument on Defendants' Motion to Suppress (ECF No. 107) and Motion to Suppress Evidence Obtained From an Illegal Arrest Conducted Outside of Police Jurisdiction (ECF No. 113). The Court shared initial impressions regarding the Motion to Suppress (ECF No. 107), but set filing deadlines for additional briefing due to the recent disclosure of the contents of the confidential informant's files.

Prior to the hearing, the Court engaged in an in camera review of the files. At the hearing, the Court provided redacted copies of both the Metro and FBI files on the

1 confidential informant [CI] to defense counsel. The Court discussed the necessity of  
2 keeping all records pertaining to the CI protected. The Court ordered that any filing  
3 containing records from the CI's file or that provides information regarding the CI's identity  
4 shall be filed under seal and shall not be copied or disseminated.

5 The Court has reviewed the file and Motions and is fully informed. This Order is  
6 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

7 **IT IS ORDERED** that:

8 1. Defendant's Motion to Continue Oral Argument, filed December 7, 2012, **ECF**  
9 **No. 154**, is **DENIED**. However, counsel is invited to provide additional briefing on any  
10 issues pertaining to the pending Motions that arise upon review of the CI's file.

11 (a) Defendant's supplemental briefing shall be filed and served no later than  
12 **December 21, 2012**.

13 (b) The Government's response shall be filed and served no later than **January 2,**  
14 **2013**.

15 2. The Court **RESERVES RULING** on:

16 (a) Defendants' Motion to Suppress, filed October 31, 2012, **ECF No. 107**;

17 (b) Defendants' Motion to Suppress Evidence for Illegal Arrest Made Outside  
18 Police Jurisdiction, filed October 31, 2012, **ECF No. 113**; and

19 (c) Defendants' Motion to Dismiss for the Failure to Preserve Exculpatory  
20 Evidence, filed October 31, 2012, **ECF No. 118**.

21 The District Court Executive is directed to file this Order and provide copies to  
22 counsel

23 **DATED** this 12th day of December, 2012.

24  
25  
26 12-11-12

s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE